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THE HAND-PICKED JOB

AN INCIDENT IN THE WORK OF THE STATE POLICE—II

BY KATHERINE MAYO

AS Annie passed the company store, two other little girls, Anna Urish and Anna Bartosovech, Highland neighbors of her own age, joined her, and the three together trudged ahead.

For a time—till beyond Drifton—they followed the railway track. It was safest there, their parents said—more travelled—more in common view. Then, when they must, they struck out on the short-cut foot-path up the hill toward Highland—a narrow path, so that they walked in single file, Annie between the two.

To little children it seemed a sort of magic way, this narrow path, with its shouldering rocks, its miniature forests of scrub-pine, its seas of leafless huckleberry brush, its great round cushions of moss. And there, too, like a hungry dragon, lay always crouching, waiting, biding its hour, the Big Mine Cave—that yawning, black-jawed abyss, where the surface of the earth had fallen away revealing the jagged throat of galleries that, so the grown-ups said, led for tens of miles, hither and yon, no one knew where, under ground.

Today, as ever, they neared the cavern with tense nerves. Kobolds, may be,—ghosts—demons from below. It was so deep, so wide, so dark,—may be the mouth of Hell. And no human soul in sight but only they themselves. Such little children! And how fast came the dusk!

Anna Urish, file-closer, looking ahead, felt her heart turn to ice. There trudged the others, steadily on. But—but—they looked so very small—and the mouth of the cave so deep, so dark! Surely it only bided its hour!

Down in the moss at her feet the four green, shining leaves of a winter-green plant caught her eye. Maybe its

pungent tang would give her heart. She knelt to pick it, as for an instant it evaded her chilled fingers among a mass of twigs.

In that instant, a shriek—a quivering cry of terror, almost stopped her breath.

She sprang up. There, just ahead, little Annie Voichek struggled with something in the form of a man.

Again the scream—cruel—unbearable.

Anna Urish, with no thought in her mind but utter panic, turned her back and ran. Anna Bartosovech, giving just one rearward glance, fled in the opposite way. Little Annie Voichek, alone, struggled for her life—for she knew not what dearer than life—alone in that lonely path.

The grip had first clutched at her neck, from behind, snapping her head back so that spots of color dazzled her eyes. Yet somehow she broke loose from it, darting blindly ahead with outstretched arms. Again it seized her, and once again she escaped. Then a third time it struck, this unknown, unseen thing, catching her by the skirts, so that she fell on her back, while something closed about her throat, pinning her to the ground.

"If this is a devil from out of Hell," thought little Annie Voichek, heroine, "I must look him straight in the face and say my prayer."

So she opened her brown eyes wide.

Grinning down at her—so close that she felt its breath in her mouth—was a thing with the face of a man. He knelt above her. And while with one hand he pinioned her throat, with the other he fumbled at her breast. Little Annie Voichek looked him square between the eyes, and began her prayer.

He fumbled at her breast, and at last, with a jerk and a rending of cloth, tore free the precious envelope that she had so carefully pinned within. Half rising he thrust it somewhere away, then, grinning still more evilly, bent over her once again. But little Annie Voichek never took her eyes from his face. If she should live a hundred years she would always be able to see that face. And all the while her lips moved softly, slowly.

For it always helps you remember whose little girl you are, you know, and Who is taking care of you all the while, if you just keep calm, quite calm, and say your prayer very slow.

And with that, praise be to our Blessed Lady forever and ever, the creature suddenly threw back his head as though he had heard an alarm, stared away far down the path, and, with a terrible oath on his lips, leaped aside and disappeared into the black mouth of the pit.

So little Annie Voichek, holding her tattered frock together, ran as fast as her feet would carry her straight home and into her father's arms.

When Voichek had heard all the story she sobbed out, first he took his wife by the hand while they two, kneeling before the crucifix on the wall, gave thanks. Then, with a face white as death he walked out of the house.

Two hours later, Voichek came back, moving slowly, with drooping shoulders, like a man weighted with grief. Entering the room, he sank down by the table and buried his head in his arms.

After awhile the wife went over and touched him gently. "What is it, then?" she asked.

So he told her, in husky jerks.

He had been to the constable, he said. The constable would do what he could—whatever that might be.

But his friends—the other men—the men whose checks little Annie had carried together with his own—they *did not believe the child had been robbed!*

"What—what *do* they believe?" gasped the mother, already in her stricken heart knowing the truth.

"*They believe that you and I have taken all that money for ourselves, and that we have taught our Annie to lie!*"

And so those two that day passed into a torment whose fire had never ceased to burn in all the eight long years.

Neighbors, once friendly and trusting, thereafter passed them by with side-long eyes. Groups broke up at their approach, or drew so close together that no room remained for so much as a greeting word. No one openly said to them "Thief!" No one quite dared. Not even the men whose own money was gone—their part of the \$159, that great sum, standing for so much hard toil. But, more cruel than any bitter word, stung the silent accusation of their world.

The constable had sought for the robber. Yes. So they had been told. But nothing, no one, had been found. And now, after all these years, there had been changes in the community, of course. Families had moved away. Other

families had come. The story had smouldered low—sometimes it seemed almost died out. And still now and again the embers glowed. Oh! the pain! the pain!

"And Annie?" asked the Corporal.

"Yes—our Annie—our little girl. Ah! if you knew how my man loved that one! How he had worked and planned for her—for all he wanted for her in this big country where all that is good is free! But that black cloud that swallowed all our life took our Annie too. That very day it settled over her. And she, who should have grown up—so different, was—was more and more—changed—from that time on. So—oh, you *couldn't* really wonder at what happened, could you? She—she—she left us. Just before she was seventeen years old."

Tears flooded the mother's cheeks. With twitching lips she seemed to await the Corporal's reply.

"Where did she go?" he asked, beneath his voice.

The woman murmured a broken phrase.

For an instant the Corporal dropped his gaze. Then, rising, he took her hand.

"Forgive me," he said, a little hoarsely. "You were right. It is too late. Goodbye—and—may Heaven forgive us all!"

But, as he tramped down the road, scattering the ducks, the hens and the puppies, exciting the round-faced tow-heads at the gates, his mind of a State Police officer began to work again. Too late? Was it ever too late to reach after Justice, however remote, however apart she seemed to stand? Who had been village constable eight years back? That much he remembered, having learned it in his early survey of the past: It was Mike Deramme.

So away to Mike Deramme he hastened now.

"Mike," said he. "You remember that case eight years past come next November, when a little Polish girl, Annie Voichek by name, was robbed of a bunch of pays, over between Highlands and Drifton, on her way home from Jeddo?"

"Why—yes," answered Mike. "I guess I know what you mean."

"Who did it?"

"Well, I always thought, myself, the Whistler done it."

"The Whistler?"

"Yep. Seems like I'd partly forgotten the thing, it's

all so long ago. But its comin' back to me now. There was this Hunky miner hunted me up one afternoon. See? And he said his little girl had been robbed of this here bunch of pays out near Drifton Park, like you say. So I hustled across. And right *at* the Park I lit onto two boys, that had just come down off the mountain. And I ask the boys if they'd met anybody over there. And they said yes, they met the Italian Whistler on the mountain. And they said the Whistler told 'em, 'If you two don't get out quick, I'll kill you in your tracks.'

"Then I went on to Jeddo and seen the company cashier. And he told me that that very afternoon, while he was giving the little girl the cash, the Whistler had been standing by, looking on."

"And who was the Whistler?"

"Oh, everybody called him that. He was a Wop that could whistle so well that they hired him off and on, to whistle solos with a band. Alfonso Passo's his real name."

"Alfonso Passo. Well, and then what did you do?"

"I searched around the mountain and didn't find nothing. Then I come to Freeland and went to the house where the Whistler lived, to arrest him. But he wasn't there. Then I began hunting for him—hunted for four or five weeks and couldn't see him at all. And that was the end of it."

"Oh, at the time I reckon I *could* have located him, —maybe in Berwick, where he belonged to a band, maybe somewheres else. But there wasn't any funds to pay my expenses travelling around, see? Constables don't have no such. So, I had to let him go."

"Did you ever see him again?"

"Why, I seen him right here in Freeland only three or four months ago. But of course I didn't arrest him then; wasn't constable any more."

"Why didn't you put Mike Laputka wise to it—let him do the trick?"

"Never once thought of such a thing. He was constable, not me, wasn't he? 'Twasn't my funeral. I didn't bother my head about it—didn't give it a thought."

Corporal Freeman groaned. "And yet, you're a good man, Mike,—a very good man, as everybody knows," he said.

Then he struck a bee-line for the Freeland Central

Hotel. Looking down the tilted council chairs in the office windows, he fixed an eye on Frank Malloy, prosperous tailor and County Detective, and beckoned him out.

"Frank," he murmured. "You come with me. I've a story to tell you."

Rough-hewn and brief though that story was, when it came to its end something very like tears stood in Malloy's unaccustomed eyes.

"Leave me in on this here," he growled—"it's the least you can do after tearin' a man's heart out by the roots. Come on. We'll tackle the job together."

And they did.

Their first step they took that very Monday night,—a step that should save leeway for whatever might come thereafter;—they lodged before Justice James Malloy an information of highway robbery against Alfonso Passo, just being released from jail. And Justice James Malloy held Alfonso Passo on that charge, committing him without bail.

The trial fell on November 21st, just fifty-one days later, before Judge Peter O'Boyle, of the Luzerne County Court of Common Pleas, sitting at Wilkes-Barre. And in those fifty-one days Frank Malloy worked hard. But Corporal Freeman worked, nay, slaved, by day and by night, in season and out of season, with all his heart and mind and soul and strength. And he covered a deal of ground.

For the picture of a baby girl alone in the dusk in a solitary place, struggling with a demon at the mouth of a cave, had taken possession of his whole being. And the name of her present lot—that last word wrung from her mother's quivering lips—had sealed him to her cause of retribution, justice, mercy, as surely as any accolade of Arthur's blade.

No need, here, to go into the details of the trial. The attorneys for the defense fought a skillful fight, stiff and long. But the case of the State Police was perfect—so truly perfect, measured even by their own strict standard, that the Judge himself, as he afterward confessed, half thought something might be wrong.

"Never before, in all my long observation of State Police officers in my court," said Judge O'Boyle, "had I seen one who seemed, as did this particular officer, this Corporal Freeman, personally desirous to convict the accused. Ordinarily their bearing is entirely impersonal,

colorless. They incline to give the prisoner all the benefit of any doubt. But this man told his story with a positiveness, an almost vehemence, so extraordinary—he replied to all questions and cross examinations with an accuracy so exact, that his attitude created a suspicion in my mind. Yet, while I did my best to discover in him any motive, any tendency to tinge his testimony, I could find no trace of that at all. Evidently the simple truth was that he had so thoroughly cleared his own mind, so convinced himself of a wrong to right, and so solidly built his case that he was incapable of slipping in it anywhere.”

Mike Laputka took the stand, Frank Malloy, Justice Malloy, Mike Deramme, the Passos, man and wife—the last, of course, called by the defense. Examinations. Cross-examinations. Recalls.

The whole thing, contended the defense, took its rise, the whole charge originally rested, on the wife’s testimony against her husband, given on a Sunday afternoon fifty-two days ago. And the law holds that a wife may not testify against her husband.

Indisputably a wife may not testify against her husband, in court. But—and here the Court underscored both the legal knowledge and the quick wit of the State Police officer—Corporal Freeman, on that Sunday afternoon fifty-two days ago, being present for quite another purpose, and seeing the wife about to bear witness against her husband, had stopped her short *until he had brought into the room her husband himself*. So that Jennie Passo’s story of her husband’s crime of highway robbery had been told unsolicited, and not only in the presence of a County Detective and of a State Police officer, but also in the presence of the accused man himself. And the accused, fully hearing and being challenged to reply, had by silence acquiesced in the truth of the charge. Thus, by wisdom, was inadmissible testimony transformed into positive evidence.

The defense showed the wanderings of the man—showed that although he had fled back to New York, after his one night’s return to Freeland, in November, 1909; although he had since lived in Brooklyn, in Florida, in Connecticut, he had also, in that period, sojourned in Berwick, in Pittston, and in other Pennsylvania towns, whether as a musician, or as a laborer of sorts. Therefore, argued the defense, the Statute of Limitations freed him. It had run

against him for more than five years, and the matter was outlawed now. Would the Court so charge the jury?

No. For the Court held that a man who, being under charge of crime committed in a given community, and being sought therefor by officers of the peace, flees that community, remains in practical hiding and returns only by stealth, cannot thereby acquire the shelter of the law.

Through it all, Alfonso Passo sat in his place, smug, self-conscious, nonchalant. At their best they could not identify their robber. After so many years there was certainly no one to do that. So what did it matter to him what else they proved, or ruled, or quarrelled or gossiped about! He ran his long, slender fingers through his curls, stroked his sweeping moustache, flashed his small, bright eyes in smiling, side-wise glances. Some vain little "bohemian" lady-killer, he looked, some dripper of idiotic verse, some sort of musical cheap-john—but a coal miner, a laborer, even a respectable highwayman, never in the world.

Jennie, his wife, all her ephemeral courage spent, took the stand in his defense. Her testimony was meant to prove his title to freedom under the Statute of Limitations. She answered counsel's questions like a well-trained machine. The multitudinous family flittings fell from her tongue with a dry, mechanical click. Through it all glared the fact that her very life was at stake.

And yet, as she began to speak, the husband flung up his hand and made before her some lightning gesture that only an Italian could read. As she saw it, her face turned ghastly. Her voice failed. For a moment she seemed about to faint.

Again this Passo, with his side-long eyes and his sleek, secretive smile, stroked his great moustache, apparently content. Content, for his wife was his terrified serf. And today he occupied his public's view. Tonight his picture would be in the papers, may be. And at their best they could never identify their robber. There was certainly no one to do that.

Then, of a sudden, fell a curious pause. Frank Malloy back among the crowd, began to breath hard. Corporal Freeman, in front, started into space with inexpressive gaze, sitting as straight as Rameses at Aboo Simbel. But does Rameses at Aboo Simbel hear the hammering of his pulse? A kind of electric current without apparent source

swept through the place, carrying with it an inexplicable hush.

Mr. Turner, prosecutor for the Commonwealth, had said some little thing—few, if any, heard what. The Clerk of the Court had spoken. No one had caught the words. And yet something was going to happen. Now. The very doors and benches must have felt as much as that—the very gavel, in its wooden heart.

Some door opened. Some little stir arose. People turned to look.

A slight, black-robed figure, a woman with bowed head, was floating down the room. A veil completely hid her face. She reached the witness-stand, and turned to confront the Judge. A nun.

They brought her the Bible. She laid her hand upon it, and, with a spirit new to that court, raised her eyes in reverence as she repeated the words of the oath. Then they saw her countenance—and from all over the crowded room rose a little rustling sound—the intake of breath.

To attempt to tell in words how beautiful she was—*is*—seems in itself almost a sacrilege. One would rather think of the sweetest saint ever drawn by the most ethereal of all the Primitives, and say: Such was his vision when he painted this.

Her face was the face of a young angel born in Paradise and knowing naught beyond the gardens of God. From the day of her birth, you would say, the Blessed Lady herself must have held her in special keeping. No thought or word but of happy praise untroubled could ever have reached her ears or touched her soul. Innocence, peace, obedience, ignorance of the world, and a sort of luminous child-angel blessedness, softly shone from where she stood. Yes, that is no fancy phrasing, but the simple truth concerning her—the simple, literal, unornamented truth.

No one had time to think. There were lumps in men's throats, clouds over men's eyes, in men's hearts sudden imperative stirrings of that eternal Presence that never denies the countersign to Divine Love. If a habited nun had ever before appeared in a criminal court no one recalled it. The very fact itself was sensational. Yet it was not that, but rather her tender, intimate perfection, her look of the very essence of innocence, revealed for a moment by gracious favor of the cradling Hand, that broke

men's hearts as, forgetting themselves and the world around, they gazed at her.

She was twenty years old, she said, answering the questions of the Prosecutor like an exquisite child, full of gentle humility. Eight years ago she had lived in her parents' home—at—Highlands. Her name—had been Annie Voichek.

And then, led by the queries of the attorney, she told in quiet, careful words, without resentment, without heat, without the slightest echo of personal feeling, all the history of the black November day in 1909.

As cross-examination began, such of the audience as was aware of its surroundings felt a sort of anxious, warning tension contract all nerves. The defence was observing a courtesy rare in practice—was beyond reproach. And yet, when it put a question designed to confuse, it was big Frank Malloy, himself, that hardened citizen, who with a curse in his teeth, half rose from his seat, his two fists clenched and his chin thrust out like the prow of a battleship.

Mike Lupotka, beside him, laid a hasty hand on his arm. Justice Malloy, from the other side, leaned over with a soothing word:

"Steady, there, Frank. Remember,—it's his privilege."

But Malloy's eyes were wet, and Malloy's voice shook with single-minded rage as he ripped back:

"Let him have a care—damn him! Let him give the blessed little saint up there the first mean word out of him—and—*there's Irish in this room will smash his nut.*"

But now, the one great question:

By any chance, after so long an interval, could she possibly identify the man?

Describing that pitiful day so long ago, she had told the court of her steady, purposeful gaze into the face of her assailant—into the face of that unknown being that had attacked her by the Cave. Five minutes it had lasted, perhaps? Yes. It had seemed as much as that.

But never, she affirmed, had she seen him since. And eight long years had gone between.

"Do you see that man in this place today?" Slowly and clearly the Prosecutor's question sounded through the chamber.

The nun raised her beautiful eyes, for the first time look-

ing around the room. Then her gaze lowered to her own clasped hands. Standing quite motionless, her stately draperies flowing around her, she made no reply.

Alfonso Passo, with the mastery of feature common to his kind, had cleared his face of every sign of concern. He might have been the most casual stranger to the case, killing time where he sat, till this dull matter should have run its course. Even those close by him could observe no trace of anxiety in his bearing—no sign to distinguish him from any other of the many Italians in the room.

"Do you see that man in this place today?" Slowly and Prosecutor repeated.

Still no answer.

Then Judge O'Boyle himself, leaning forward in his chair, asked gently:

"Do you understand the question?"

With a catch of the breath, she looked up at the Judge and her look and her way were full of childlike appeal.

"Yes, sir, I understand," she replied. "But will what I answer now—will it—*condemn*—that man?"

"You must answer, yes or no. Do you see the man in this place today?"

Three things now clearly declared themselves concerning her: First, that she felt in its full weight the solemn responsibility so squarely laid upon her shoulders; second, that she shrank with the strongest reluctance from the chance of hurting the prisoner or any creature; and third, that she would loyally obey the court and tell the whole truth if so commanded.

For an instant she bowed her head, while her lips moved faintly. Then she looked up, calm, sure, straight across the room to where Passo yawned and lounged.

"*There is the man,*" she said.

With one horrible, shapeless howl, like a wild beast trapped, Alfonso Passo, robber, covered his face with his hands.

In point of word and form there was more to the case, of course. But not one other thing in point of fact. Nothing could shake the State's case. The Jury withdrew merely in order to hasten back. The Judge, in due season, gave sentence with a peculiar, clear-cut zest. And those who heard him felt, rejoicing, that his comments added the last ripe touch to a perfect thing.

Mrs. Voichek, over in the little red house on Highland hill, sat with happy tears running down her cheeks.

"Thank God," she sobbed, "we can all hold up our heads again. Our good name is cleared at last."

And she told once more how her twelve-year old Annie, after that one bad hour, the root of all the sorrow of the years to come, had more and more withdrawn from the common life until, at last, they had had to give her up—to let her go, into the seclusion for which she yearned.

But Corporal Freeman, working late that night with brush, sponge and curry comb over in "B" Troop stables, felt somehow vaguely sad. So, as men will, he took occasion to unburden his heart to his closest friend.

"Boston," he whispered, into one silky-brown, sharp-pricked ear. "Stop your nuzzling. This isn't sugar I'm giving you, but facts, and the sooner you swallow them, the happier you'll be. So listen here: *You and I have got to come down to brass tacks and common casualties, now.* And our business is, not to hand-pick jobs but to tackle the whole darn bunch. Most likely we'll never even see another Baby Saint, you and me. All the same, when *she* lays her little head on the pillow tonight, she won't have a worry left in the world. God bless her! *Boston, aren't you proud?*"

KATHERINE MAYO.